

May 13, 2011

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDDIE R. JIMENEZ (CA SBN 231239)  
MATTHEW R. CLARK (CA SBN 2710)  
GABRIEL OZEL (CA SBN 269098)  
PITE DUNCAN LLP  
4375 Jutland Drive, Suite 200  
P.O. Box 17933  
San Diego, CA 92177-0933  
Telephone: (858) 750-7600  
Facsimile: (619) 590-1385

Signed: May 13, 2011

EDWARD D. JELLEN  
U.S. Bankruptcy Judge

Attorneys for WELLS FARGO BANK, N.A., ALSO KNOWN AS WACHOVIA  
MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A., AND  
FORMERLY KNOWN AS WACHOVIA MORTGAGE, FSB, FORMERLY  
KNOWN AS WORLD SAVINGS BANK, FSB

## UNITED STATES BANKRUPTCY COURT

## NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

MICHAEL J. FRITH AND MICHELE K.  
FRITH,

Case No. 10-70586-EDJ

Chapter 13

R.S. No. AMB-457

ORDER GRANTING MOTION FOR  
RELIEF FROM AUTOMATIC STAY

DATE: April 22, 2011

TIME: 10:00 AM

CTRM: 215

Northern District of California - Oakland  
Division  
United States Bankruptcy Court  
1300 Clay Street  
Oakland, CA 94612

Debtor(s).

The above-captioned matter came on for hearing on April 22, 2011, at 10:00 AM, in Courtroom 215, upon the Motion of Wells Fargo Bank, N.A., also known as Wachovia Mortgage, a division of Wells Fargo Bank, N.A., and formerly known as Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Michael J. Frith and Michele K. Frith ("Debtors") commonly known as 2551 Lynn Ave, Concord, CA 94520-3012 (the "Real Property"), which is legally described as follows:

1 Lot 12 as shown on the Map of Concord Park, filed in Book 39 of  
2 Maps, Page 46, in the Office of the County Recorder of Contra  
Costa County.

3 Appearances as noted on the record.

4 Based on the arguments of counsel, and good cause appearing therefor,

5 IT IS HEREBY ORDERED:

6 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the  
7 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust,  
8 and pursuant to applicable state law;

9 2. Movant is authorized to foreclose its security interest in the Real Property under  
10 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

11 3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

12 4. Post-petition attorney's fees and costs for the within motion may be added to the  
13 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

14 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant  
15 may proceed in State Court for unlawful detainer pursuant to applicable state law;

16 6. Upon entry of this Order, the Chapter 13 Trustee shall cease making payments in  
17 regard to Movant's claim filed in this bankruptcy case;

18 7. Movant may offer and provide Debtors with information re: a potential  
19 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss  
20 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may  
21 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal  
22 liability is discharged in this bankruptcy case; and

23 8. This Order shall be binding and effective despite any conversion of this  
24 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

25 ///

26 ///

27 ///

28 ///

1           9.     IT IS FURTHER ORDERED that the Trustee shall not make any further  
2 payments on account of Movant's secured claim after entry of this order. The secured portion of  
3 Movant's claim is deemed withdrawn upon entry of this order without prejudice to Movant's  
4 right to file an amended unsecured claim within 30 days for any deficiency.

5  
6                               \*\* END OF ORDER \*\*  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT SERVICE LIST**

Pite Duncan LLP  
4375 Jutland Drive, Suite 200  
P.O. Box 17933  
San Diego, CA 92177-0933

Michael J. Frith  
Michele K. Frith  
2551 Lynn Avenue  
Concord, CA 94520-3012

Diana J. Cavanaugh  
Law Offices of Diana J. Cavanaugh  
2801 Concord Boulevard  
Concord, CA 94519  
Debtor Attorney

Martha G. Bronitsky  
P.O. Box 5004  
Hayward, CA 94540-5004  
Chapter 13 Trustee

Wachovia Mortgage  
c/o Servicing Agent and/or Managing Agent  
P.O. Box 659558  
San Antonio, TX 78265-9558